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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 RHONDA SHADE and LOWELL SHADE,
8 Plaintiffs,
9 v.
10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT, et al.,
Defendants.

Case No. 2:15-cv-01016-RFB-PAL

ORDER

(Mot Stay – ECF No. 78)
(Mot WD Atty – ECF No. 79)

12 Before the court is counsel for plaintiffs Potter Law Offices' Motion to Withdraw as
13 Counsel and Stay Proceedings (ECF Nos. 78, 79). The motion represents that plaintiffs' counsel's
14 present physical condition and health is such that he can no longer represent plaintiffs in this
15 matter. There are only two attorneys in the law firm, and his associate and son, is unable to
16 continue representing the plaintiffs. As such, the firm seeks leave to withdraw as counsel of record.
17 Currently, the parties are awaiting a written ruling from the district judge on defendants' Motion
18 to Dismiss Second Amended Complaint (ECF No. 52) which was heard on January 13, 2017.

19 Mr. Potter also requests a stay of the scheduling deadlines in order for plaintiffs to obtain
20 new counsel. On May 9, 2016 the court entered a temporary stay of discovery pending decision
21 of the defendants' motion to dismiss and plaintiffs motion to amend/correct the complaint. See
22 Minutes of Proceeding, (ECF No. 43). The order directed the parties to submit a propose discovery
23 plan and scheduling order 14 days after decision on these motions. Thus a stay of discovery is
24 already in place and the motion to stay will therefore be denied as moot.

25 Having reviewed and considered the matter, and for good cause shown,

26 **IT IS ORDERED** that:

27 1. The Motion to Withdraw (ECF No. 17) is **GRANTED**.
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1 2. Plaintiffs shall have until **September 18, 2017**, in which to retain substitute counsel
2 who shall make an appearance in accordance with the requirements of the Local Rules
3 of Practice, or shall file a notice with the court that they will be appearing in this matter
4 *pro se*.


5 3. Plaintiffs' failure to timely comply with this order by either obtaining substitute
6 counsel, or filing a notice that they will be appearing *pro se*, may result in the
7 imposition of sanctions which may include a recommendation to the district judge that
8 plaintiffs' complaint be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

9 4. The clerk of the court shall serve the plaintiffs with a copy of this order at their last
10 known address:

11 Robert J. Gardner, Co-Special Administrator
12 Kim Gardner, Co-Special Administrator
13 Estate of Garrett E. Gardner
27231 Calle Del Cid
Mission Viejo, CA 92691

14 5. The Motion to Stay (ECF No. 16) is **DENIED as moot**.

15 DATED this 18th day of August, 2017.

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18 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE
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